

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CODI M. HART,

Plaintiff,

V.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration.

Defendant.

CASE NO. 13-cv-05380 BHS JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creature pursuant to 28

U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews*, *Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 28.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Acting Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

1 On remand, based on the parties' stipulation, this Court recommends that the case be
2 reversed and remanded for a *de novo* hearing and further administrative proceedings, including
3 but not limited to the following: The administrative law judge (ALJ) will further evaluate
4 whether or not plaintiff engaged in substantial gainful activity since her alleged disability onset
5 date. The ALJ also will reevaluate the opinion of Elizabeth St. Louis, M.D.; plaintiff's
6 credibility; plaintiff's residual functional capacity; and whether or not plaintiff can perform her
7 past relevant work or other occupations in the national economy.

8 The parties stipulate that this remand be made pursuant to sentence four of 42 U.S.C. §
9 405(g), and that plaintiff will be entitled to reasonable attorney's fees and costs pursuant to the
10 Equal Access to Justice Act, 28 U.S.C. § 2412(d), following proper request to this Court.

11 Given the facts and the parties' stipulation, the Court recommends that the District Judge
12 immediately approve this Report and Recommendation and order that the case be **REVERSED**
13 and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

14 Dated this 16th day of January, 2014.

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17 J. Richard Creatura
18 United States Magistrate Judge
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